

Jan 11, 2019

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAMES M. DENNIS,

Plaintiff,

v.

DISTRICT COURT OF SPOKANE  
COUNTY and SUPERIOR COURT OF  
SPOKANE COUNTY,

Defendants.

No. 2:18-cv-00271-SMJ

**ORDER DISMISSING  
COMPLAINT**

By order filed October 19, 2018, the Court advised Plaintiff, a pretrial detainee at the Spokane County Jail, of the deficiencies of his complaint and directed him to amend it or voluntarily dismiss it within sixty days. ECF No. 11. Plaintiff is proceeding *pro se* and *in forma pauperis*. Defendants have not been served. The Court cautioned Plaintiff that if he failed to comply with the directives in the order, the Court would dismiss his complaint seeking monetary damages and dismissal of unspecified state criminal charges in two Spokane County courts.

Specifically, Plaintiff had failed to name as Defendants persons who are amenable to suit under 42 U.S.C. § 1983. *See United States v. Kama*, 394 F.3d 1236, 1239 (9th Cir. 2005) (Ferguson, J., concurring). Furthermore, the *Younger*

1 abstention doctrine forbids federal courts from enjoining pending state criminal  
2 proceedings, absent extraordinary circumstances not presented here. *See Younger*  
3 *v. Harris*, 401 U.S. 37, 5354 (1971); *Kenneally v. Lungren*, 967 F.2d 329, 331 (9th  
4 Cir. 1992). Plaintiff did not comply with the Court's order and has filed nothing  
5 further in this action.

6 Therefore, for the reasons set forth above and in the Order to Amend or  
7 Voluntarily Dismiss, ECF No. 11, the complaint is subject to dismissal for failure  
8 to state a claim upon which relief may be granted under 28 U.S.C. §§ 1915A(b)(1)  
9 and 1915(e)(2)(B)(ii).

10 Accordingly, **IT IS HEREBY ORDERED:**

11 **1.** The Complaint, **ECF No. 10**, is **DISMISSED WITHOUT**  
12 **PREJUDICE** to Plaintiff pursuing available state court remedies.

13 **2.** Based on the Court's reading of *Washington v. Los Angeles County*  
14 *Sheriff's Department*, 833 F.3d 1048 (9th Cir. 2016), this dismissal  
15 will NOT count as a "strike" under 28 U.S.C. § 1915(g).

16 **3.** The Clerk's Office is directed to **ENTER JUDGMENT** and **CLOSE**  
17 this file.

18 **4.** The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal  
19 of this Order would not be taken in good faith.

20 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and

1 provide a copy to *pro se* Plaintiff at his last known address.

2 **DATED** this 11<sup>th</sup> day of January 2019.

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4 SALVADOR MENDOZA, JR.  
5 United States District Judge  
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